

S/N 10/756,811

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Michael Tjader	Examiner:	Nicole A. Coy
Serial No.:	10/756,811	Group Art Unit:	3672
Filed:	January 13, 2004	Docket No.:	1523.056US1
Title:	MODULAR PIPE BREAKING ASSEMBLY AND METHOD		

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.111

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

This responds to the Office Action dated on November 16, 2005. Please amend the above-identified patent application as follows.

IN THE CLAIMS

Please amend the claims as follows:

1. (Currently Amended) A pipe breaking device, comprising:
a base unit;
a retention feature located on the base unit;
a cable attachment portion located at a first end of the base unit; and
a number of pipe engaging elements wherein the pipe engaging elements are retained on the base unit by the retention feature, and wherein the number of pipe engaging elements are removable from the base unit and interchangeable in multiple positions along a length of the base unit.
2. (Original) The pipe breaking device of claim 1, wherein the base unit includes a round shaft with a first diameter, and the retention feature includes a shoulder portion having a diameter larger than the first diameter.
3. (Original) The pipe breaking device of claim 2, wherein the shoulder portion is located at a second end of the base unit, opposite the cable attachment location.
4. (Original) The pipe breaking device of claim 1, wherein the retention feature includes a threaded fastener that connects at least one of the number of pipe engaging elements to the base unit.
5. (Original) The pipe breaking device of claim 1, further including a pipe gripping device located at a second end of the base unit, opposite the cable attachment location.
6. (Original) The pipe breaking device of claim 5, wherein the pipe gripping device includes a wedge and at least one wedge mating portion.

7. (Original) The pipe breaking device of claim 1, wherein at least one of the number of pipe engaging elements includes an expander cone.
8. (Original) The pipe breaking device of claim 7, wherein at least one of the number of pipe engaging elements includes a cutting blade.
9. (Original) The pipe breaking device of claim 1, wherein the cable attachment portion includes a threaded portion adapted to mate with a corresponding threaded portion on the first end of the base unit.
10. (Original) The pipe breaking device of claim 9, wherein the cable attachment portion includes multiple segments adapted for assembly around a cable.
11. (Currently Amended) A pipe breaking device, comprising:
 - a base unit;
 - a protruding retention feature located on the base unit;
 - a threaded cable attachment portion located adapted to mate with a corresponding threaded portion on a first end of the base unit;
 - a number of pipe engaging elements wherein the pipe engaging elements are retained on the base unit by the retention feature, and wherein the number of pipe engaging elements are removable from the base unit and interchangeable in multiple positions along a length of the base unit; and
 - a pipe gripping device located at a second end of the base unit, opposite the cable attachment location.
12. (Original) The pipe breaking device of claim 11, wherein at least one of the number of pipe engaging elements includes an expander cone.
13. (Original) The pipe breaking device of claim 11, wherein at least one of the number of pipe engaging elements includes a cutting blade.

14. (Original) The pipe breaking device of claim 12, wherein at least one of the number of pipe engaging elements includes a cutting blade.

15 – 18. (Cancelled)

19. (New) A pipe breaking device, comprising:
a base unit;
an interference fit retention feature located on the base unit;
a cable attachment portion located at a first end of the base unit; and
a number of pipe engaging elements wherein the pipe engaging elements are retained on the base unit by the retention feature, and wherein the number of pipe engaging elements are removable from the base unit and interchangeable in multiple positions along a length of the base unit.

20. (New) The pipe breaking device of claim 19, wherein the interference fit retention feature includes a shoulder portion having a larger cross section dimension than a cross section dimension of the base unit.

21. (New) A pipe breaking device, comprising:
a base unit;
at least one pipe engaging elements located along a length of the base unit;
a cable holding device to selectively attach to a first end of the base unit; including:
a plurality of segments that are laterally removable from a portion of a cable; and
a threaded portion on a surface of the plurality of segments to thread into the first end of the base unit when assembled around the portion of the cable.

22. (New) The pipe breaking device of claim 21, further including a cable with a swage portion on an end of the cable, wherein the plurality of segments of the cable holding device abut against the swage portion during a pipe breaking operation.

23. (New) The pipe breaking device of claim 21, further including a pipe gripping device having a wedge and at least one wedge mating portion.

REMARKS

This responds to the Office Action dated on November 16, 2005, and the references cited therewith.

Claims 1 and 11 are amended, claims 15-18 are canceled, and claims 19-23 are added; as a result, claims 1-14 and 19-23 are now pending in this application.

Affirmation of Election

Restriction to one of the following claims was required:

- I. Claims 1-14, drawn to a device, classified in class 405, subclass 184.3.
- II. Claims 15-18, drawn to a method, classified in class 166, subclass 298.

As provisionally elected by Applicant's representative, David Peterson, on November 8, 2005, Applicant elects to prosecute the invention of Group 1, claims 1-14.

The claims of the non-elected invention, claims 15-18, are hereby canceled. However, Applicant reserves the right to later file continuation or divisional applications having claims directed to the non-elected inventions.

§102 Rejection of the Claims

Claims 1, 4-6, 8-11, and 13 were rejected under 35 U.S.C. § 102(a) and (e) as being anticipated by Carter et al. (U.S. Publication No. 2002/0067954). Applicant respectfully traverses the rejection for at least the following reasons.

The rejection states that Carter discloses a number of pipe engaging elements that are removable from a base unit and interchangeable. Carter appears to show scoring wheels 52 and blades 56 that are removably engaged with a mole 40 for replacement due to excessive wear. However, Applicant is unable to find in Carter a number of pipe engaging elements that are removable from the base unit and interchangeable in multiple positions along a length of the base unit. In contrast, claims 1 and 11 as amended include a number of pipe engaging elements that are removable from the base unit and interchangeable in multiple positions along a length of the

base unit. Support for the amendments can be found in Applicant's specification in general, and at least on page 3, lines 15-28.

The rejection further stated regarding claim 6 that Carter discloses at least one wedge and at least one wedge mating portion. Element 1196 was cited in the claim 6 rejection. Carter appears to show a "projecting shoulder 1196" (paragraph 0082), however Applicant is unable to find any wedge function of element 1196. Further, element 1196 does not appear to be associated with a pipe gripping device. It appears to be a part of a cable end fixture 1182.

Because the Carter reference does not show every element of Applicant's independent claims, a 35 USC § 102 rejection is not supported. Reconsideration and withdrawal of the rejection are respectfully requested with respect to Applicant's independent claims 1 and 11. Additionally, reconsideration and withdrawal of the rejection are respectfully requested with respect to the remaining claims that depend therefrom as depending on allowable base claims.

Claims 1-3 and 7 were rejected under 35 U.S.C. § 102(b) as being anticipated by Lincoln (U.S. Patent No. 6,109,832). Applicant respectfully traverses the rejection for at least the following reasons.

The rejection stated that Lincoln discloses a number of pipe engaging elements that are removable from a base unit and interchangeable. Lincoln appears to show a fracturing mandrel 40, an expansion mandrel 60, a carrier ring 80, and a casing 25 connected in series. However, Applicant is unable to find in Lincoln a number of pipe engaging elements that are removable from the base unit and interchangeable in multiple positions along a length of the base unit. The order of elements 40, 60, 80, and 25 does not appear to be interchangeable and is determined by unique attachment diameters and rigid tongues 50 and 70.

In contrast, claims 1 and 11 as amended include a number of pipe engaging elements that are removable from the base unit and interchangeable in multiple positions along a length of the base unit. Because Lincoln does not show every element of Applicant's independent claims, a 35 USC § 102 rejection is not supported. Reconsideration and withdrawal of the rejection are respectfully requested with respect to claims 1-3 and 7.

§103 Rejection of the Claims

Claims 12 and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Carter et al. (U.S. Publication No. 2002/0067954) in view of Lincoln (U.S. Patent No. 6,109,832). Applicant respectfully submits that the combination of Carter and Lincoln fail to cure the 35 USC § 102 rejections for at least the reasons outlined above.

Because the cited references, either alone or in combination, do not show every element of Applicant's independent claims, a 35 USC § 103(a) rejection is not supported by the references. Reconsideration and withdrawal of the rejection are respectfully requested with respect to claims 12 and 14.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6944 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.


Respectfully submitted,

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 13 day of February, 2006.


Name


Signature